

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

PATRICIA HANNAH, as plenary
legal guardian of Darryl Vaughn
Hanna, Jr., an individual,

Plaintiff,

v.

Case No. 8:19-cv-596-TPB-SPF

ARMOR CORRECTIONAL HEALTH
SERVICES, INC., et al.,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on June 3, 2021. (Doc. 493). Judge Flynn recommends that “Plaintiff’s Motion to Approve & Enforce Settlement of Personal Injury Claims with Armor Defendants” (Doc. 489) be granted. He further recommends that “Defendants’ Motion to Enforce Settlement Agreement, Request for Evidentiary Hearing and Response to Plaintiff’s Motion [...]” (Doc. 490) be denied. On June 17, 2021, Defendants filed an objection. (Doc. 494). Then, on June 21, 2021, Defendants filed a supplemental objection.¹ (Doc. 495).

After conducting a careful and complete review of the findings and

¹ Defendants provide no authority to support the filing of a “supplemental” objection outside of the 14-day deadline for filing objections. The two objections also appear to be substantially similar or identical. In an abundance of caution and in the interest of judicial economy, the Court will consider both the objection and supplemental objection.

recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Flynn's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Flynn's detailed and well-reasoned findings and legal conclusions. As such, Plaintiff's motion to enforce the settlement agreement is granted, and Defendants' motion to enforce the settlement agreement is denied.

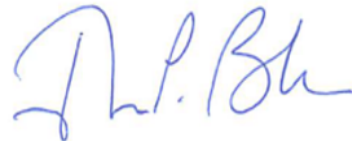
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Flynn's report and recommendation (Doc. 493) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion to Approve & Enforce Settlement of Personal Injury Claims with Armor Defendants" (Doc. 489) is hereby **GRANTED**.

- (3) “Defendants’ Motion to Enforce Settlement Agreement, Request for Evidentiary Hearing and Response to Plaintiff’s Motion [...]” (Doc. 490) is hereby **DENIED**.
- (4) The March 18, 2021, email is the operative settlement agreement in effect between the parties and constitutes a binding contract to which both parties shall adhere. The parties shall comply with the terms of that settlement agreement within a reasonable period of time.
- (5) The settlement of Darryl V. Hanna, Jr.’s claims against the Armor Defendants is fair and reasonable, and was in Darryl V. Hanna, Jr.’s best interest.
- (6) The proposed distribution of the settlement proceeds as outlined in the closing statement is proper fair, and reasonable, and the proposed settlement funds should be disbursed accordingly.
- (7) The settlement with the Armor Defendants is otherwise approved.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 29th day of June, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE